

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LINH THI MINH TRAN,

No. 3:16-cv-00707-AC

Plaintiff,

ORDER

v.

OFFICER DARRYN J. KUEHL,  
OFFICER BENJAMIN J. TOOPS, and  
OFFICER RYAN KERSEY,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge John Acosta issued a Findings and Recommendation [164] on January 14, 2020, in which he recommends that this Court grant Defendants' motion to dismiss Plaintiff's Third Amended Complaint. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. Pl. Obj., ECF 169. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

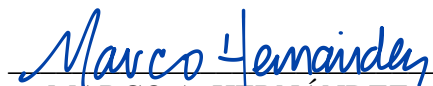
The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation [164]. Therefore, Defendants' Motions to Dismiss [145] [146] are GRANTED, and Plaintiff's Third Amended Complaint [139] is dismissed without leave to amend.

IT IS SO ORDERED.

DATED: November 15, 2020.

  
MARCO A. HERNÁNDEZ  
United States District Judge